

The Maryland Board of Pharmacy Public Minutes - November 18, 1998

President David Russo called the public meeting to order at 8:45 A.M. In attendance were Commissioners W. Irving Lottier, Secretary, Wayne Dyke, Barbara Faltz Jackson, Melvin Rubin, Donald Yee, Raymond Love, Ramona McCarthy Hawkins, Stanton Ades, Jeanne Gilligan Furman, Rev. William Johnson and Laura Schneider; Board Counsel, Paul Ballard; Board Staff, David Denoyer, Cheryl Cresic and Executive Director Norene Pease.

Guests present include:

Dorothy Levi
Jack Freedman, Drug Control
Nathan Gruz, MPhA
Howard Schiff, MPhA
Michael Johansen, NACDS
Robert Vlk, Purdue
Lieser Mayo-Michelson, MSHP
Amanda Taro, Pharmacy Student
Christine Nejfelt, Pharmacy Student
Vicki Gruber, Evans & Stierhoff
Catherine Putz, Drug Control
Larry Friedman, Drug Control
Marvin Freedenberg, NeighborCare

Any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no conflicts reported.

Approval of Minutes

There were two corrections noted on the October 21, 1998 minutes, “change legislation to legislative” on page 4 second paragraph and “change of to if” on page 4 fourth paragraph. Melvir Rubin made a motion for acceptance of the October 21, 1998 minutes with the noted corrections. Donald Yee seconded the motion and all Board members unanimously agreed.

Executive Director's Report/Executive Committee Report

The Technology Showcase featuring the future of pharmacy practice will take place on December 9-10, 1998 from 9 a.m. to 5 p.m. at the Baltimore Convention Center.

Comments on the “Policy and Procedure for Registered Nurses Dispensing - Prescription and

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Over the Counter Drugs and Devices in Public Health Clinical Practice Settings” was forwarded by the Executive Committee to the Community and Public Health Administration for review. The Executive Committee urged representatives from the Community and Public Health Administration to meet with the Board to discuss the comments on the policy and procedure and to devise wording to ensure that the public has access to pharmaceutical consultation in local health departments.

The Executive Committee met with representatives from the University of Maryland, School of Pharmacy in November and discussed the upcoming report of the Committee studying how to structure an organization to coordinate legislative efforts on the future of pharmacy practice in 1999 and beyond.

The Bi-Monthly Report to the Deputy Secretary and Secretary of the Department was reviewed with the Board.

Guest Presenter - Dean David Knapp spoke about the Health Choice Pharmacy Task Force. He reported that the mission is to identify issues and make recommendations regarding access to the most appropriate pharmaceutical care for recipients within the Health Choice Program which includes the following: Patient access to therapeutically necessary pharmaceuticals, Communication about formularies and how to override the formulary when medically necessary, Grievance and appeals process, and Access to new drugs and biologics.

Dean Knapp identified the members of the Task Force as: Patrick Berryman, EPIC Pharmacy Network; Stuart Brager, Med Chi; Orlando Davis, Mental Health Association of Maryland, Inc.; Deron Johnson, PhRMA; Linda Johnson, Priority Partners; Philip Marsiglia, MPhA; Kevin McCarthy, Maryland Association of Chain Drug Stores; Winston Wong, Freestate; Jeffrey Zale, United Health Care and David Knapp, School of Pharmacy, who will be the Chairman of the Task Force.

The Task Force was formed in mid-September 1998 and Dean Knapp stated that a report would be made in mid-December 1998. The next meeting of the Task Force will be on Wednesday, November 25, from 8:00 A.M. to 10:00 A.M., at the UMBC Tech Center Lobby Conference room.

Board Counsel's Report

Paul Ballard, Board Counsel was asked to research if Declaratory Rulings are subject to the review and approval of the Secretary or any other Departmental entity and is there a method for the appeal of a Declaratory Ruling?

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Mr. Ballard reported he researched this issue and there is a mechanism for the party to review the Declaratory Ruling but the Board of Pharmacy could not appeal. Mr. Ballard also stated that there is no standing for anyone else to appeal the ruling.

Mr. Ballard was requested to research the existence of an Executive Order requiring certain wording on applications for professional licenses. He reported that he could not find any Executive Order requiring certain wording on applications for pharmacists licenses.

Committee Reports

Licensing Committee - Commissioner Wayne Dyke reported that the Licensing Committee met on November 9, 1998 and reviewed the candidates for the fall examination. Mr. Dyke reported that the suggested months for the laboratory (lab) examination to be given are March, May, July, and September or October in the fall. The Board members discussed the possibility of updating the examination to be a more current exam. Various suggestions were made including intravenous preparation or some type of sterile product review and suggestions were also made concerning using a computer exam verses a written format. The Board wants the exam updated. Jeanne Furman, Donald Yee and Raymond Love volunteered to revise the laboratory examination. David Russo requested that they give a report or update at the December or January Board meeting.

Norene Pease reported that students are concerned with the timing of when they receive their license following graduation. The students would like to take the NAPLEX, Lab and Law examinations in March so they could receive their license as quickly move into the work force as pharmacist. Melvin Rubin expressed concerns about the MPJE exam being ready by March 1999

Jeanne Furman and Donald Yee will devise a target date for the first iteration of the revised laboratory examination. They will make every attempt for the Board to be prepared to give the revised lab exam as early in 1999 as is possible.

Dorothy Levi voiced concern about Ray Love being involved with the test due to his affiliation with the University of Maryland School of Pharmacy. Paul Ballard, Board Counsel reported that the statute reads a teacher or employee of the School of Pharmacy cannot participate in the laboratory test. Dr. Love withdrew his offer of assistance in revising the lab exam.

Reciprocity - Mr. Dyke reported that there were 17 reciprocity candidates and a motion was made by Wayne Dyke and seconded by Barbara Faltz Jackson, that all candidates be approved for licensure with the exception of Pamela Eckenrode, Mandana Eimen, Thomas Nguyen and Linda Nguyen-Tran who will be licensed when the Board receives their Oral English competency certificates. The motion was approved. The candidate names are: Margaret Baker, Elaine

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Simmons-Beck, Roy Bourgeois, Matthew Champ, Apanda Chumworachai, Pamela Eckenrode, Mandana Eimen, Carla Kado, Beverly Kennedy, Hamilton Lee, Muhammad Marwan, Kristin Match, Thomas Nguyen, Ijeoma Nnamani, Raymond Obiajulu, Dominic Solimando, Jr. and Linda Nguyen-Tran.

Disease State Management Examinations - Wayne Dyke reported that NABP is offering the Disease State Management Examinations and that individual states must decide if they would like to participate. Mr. Dyke recommended that the Board participate. Discussions among the Board members took place and the issue of specialty certification was of concern. David Russo suggested to Mr. Dyke that the licensing committee hold further discussion about training and certification issues before a decision about adopting the exam is made by the Board. Ray Love also suggested this issue should be placed on the agenda for the next meeting between the Board and the School in January 1999. Mr. Dyke will schedule a Licensing Committee Meeting and invite other members of the Board to attend to further discuss participation in the disease state management examination process in Maryland.

Policy Statement - Release of Licensure Exam Scores - Mr. Dyke reviewed the policy statement with the Board members, which explains the procedure for the release of licensure examination scores. The Board discussed the policy statement and Mr. Russo had concerns with the statement, "in person requests for scores" because the Board does not have a mechanism to handle a large volume of in person requests. Mr. Russo suggested scores could be posted on the internet when the technology is available to the Board with official scores followed by mail.

Wayne Dyke motioned to amend the policy statement by taking out in person and adding internet when such technology can be implemented by the Board. The motion was seconded by Barbara Faltz Jackson. All Board members were in favor.

June 1998 Pharmacist Licensure Examination Roster - This matter was not discussed at the Board meeting.

Legislative Committee

Strategic Planning - Umbrella group formulation for determining the strategic plan for 1999 and beyond for the future of pharmacy practice including: collaborative practice, medication administration and other topics. The umbrella planning group is chaired by George Voxakis and other members include: Alan Freedman, Murhl Flowers, Gary Smith and an ad hoc representative from the Maryland Pharmacists Association.

Regulation Update

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Assisted Living Regulations - Mr. Denoyer reported that this regulation applies to small homes in many cases with no registered nurse on duty, as contrasted to nursing homes. Mr. Denoyer reported that the medication section of this proposal is very brief, and focuses on the nurses role in medication management. The Board sent comments to Licensing and Certification several months ago, expressing concerns that pharmacists are not sufficiently involved in the medication management for assisted living patients. To date, the Board has not received a written response. Dr. Love stated that since a response from L&C has not been received, the Board should again request a response due to concerns for public health and safety. Ms. Pease suggested the Board send the comment letter again to Ms. Benner and attach a letter stating that no response has been received. Dr. Love moved to send the letter, seconded by Barbara Faltz Jackson. All Board members approved.

Dr. Love suggested that Board representatives call Carol Benner regarding the previous letter. Mr. Ades, David Denoyer and Dr. Love will attempt to speak to representatives from L&C with concerns about the proposal. Dr. Love suggested the Board send copies of the previous letter to legislators who are pharmacists.

Proposed Code of Conduct for Board Members - Board Counsels Revisions for Board Review - Paul Ballard reported the Code of Conduct was restructured in order to enable the recused Board members to discuss a matter before a group outside of the Board. The strict provision in the previous proposal was changed to read that Board members may discuss the matter, but may not discuss the Board's review of the matter. Outside discussion should be limited to contents of matter, rather than the Board's deliberations and process.

Electronic Transmission Regulations - Paul Ballard signed off on these regulations last month and they are now at AELR.

Security Regulations - NORD - This item was discussed during the practice committee section.

PEAC (Pharmacists Education and Assistance Committee) Update

PEAC Representative's Report - Norene Pease stated that she along with Mel Rubin missed the PEAC meeting but reported that PEAC had not discussed the renewal application question.

Pharmacy Practice Committee - Meeting Report

Task Force on Pharmacy Support Staff - Melvin Rubin discussed the Task Force and stated that one of the issues being examined is the question of compounding and whether technicians can be involved in compounding in the dispensing process. Commissioner Rubin stated another concern relates to the patient being able to easily identify the person they are dealing, the pharmacist or

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technician, at the pharmacy counter. Mr. Rubin mentioned that he is discussing with the Task Force the possibility of technicians accepting refill authorizations and he asked the Board to consider these issues for the next meeting.

Drug Formulary Advisory Committee - Laura Schneider reported that there has been no response from Barbara Shipnuck regarding this issue.

Pharmacy Security - Stanton Ades reviewed the draft and reported that 01 (1) changes the term pharmacy to prescription area. He also stated that the regulation changes the term enclosed area to suitably secured area. This change would allow electronic security systems to replace locked enclosures in some pharmacies. This regulation will be addressed at the next Practice Committee meeting to be held on December 2, 1998.

Licensing of Wholesale Prescription Drug Distributors Regulation Modification - No discussions were held concerning this issue.

Task Force addressing the use of robotics in various pharmacy settings - Jeanne Furman discussed the meeting which was held last week. The Task Force discussed the set up of automated pharmacy systems. The use of automated pharmacy systems in centralized and de-centralized pharmacies, quality control, down time procedures, and the use of automation in non-hospital settings. Pharmacy student Amanda Tatro is writing a paper addressing issues to be considered when developing regulations for robotics.

Patient Confidentiality - Mr. Denoyer reported that the practice committee discussed patient confidentiality and specifically discussed McKesson's response to the Board's inquiry about the CareMax refill reminder program. Mr. Ballard made recommendations to the committee and the committee attempted to design an ideal system for refill reminder programs. Mr. Denoyer suggested that the medical records act may need to be revised.

What Constitutes a Drug Depot-Policy - This item will be discussed at the next practice committee meeting. Mr. Denoyer is researching laws and regulations in other states and will bring this material to the next meeting.

Budget Committee - First Quarter Projections - Norene Pease discussed a new Overtime request policy which requires prior approval for staff overtime. Ms. Pease asked that members who have not turned in all expense reports please do so. Ms. Pease also stated that the Media Contract needs to be completed as quickly as possible in order to ensure the budgeted money is spent by June 30, 1999. It was also reported that the budget meeting for the 17 health occupations Boards and the Commission held with Barbara Shipnuck resulted in an 8% budget increase versus 5% requested increase in 2000.

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Public Relations Committee - No report was given at this time. Barbara Faltz Jackson stated areas of concern will be discussed at the next meeting.

Council of Boards - Norene Pease reported that she and Mel Rubin will attend a meeting on November 24, 1998 at 9:30 A.M. regarding salary setting and project reserve fund legislation with Senator Hoffman and Delegate Rosenberg.

Questions for the Board

New Inquiries

United Research Laboratories - registration re-establishment - Mr. Denoyer introduced this letter as a request for registration as a distributor. He will refer this matter to Mr. Lottier who will make a decision about the appropriate licensing.

Follow - Up Letters

Response to TelePharmacy, Inc. re: expansion of electronic prescription transmission test - In the interest of time this issue was not discussed. The Executive Committee will discuss and review the expansion of the electronic prescription transmission test and make a decision on the matter.

Melvin Rubin made a motion, which was seconded by Jeanne Furman.

President Russo adjourned the public meeting at 11:40 A.M.

Respectfully Submitted,

W. Irving Lottier, Jr.
Secretary